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Remarks

Claims 1-6, 10-11, 15-19, 23 and 27 stand rejected under 102 over Cathey. Claims 7-9, 12-14, and 20-22 stand rejected under 103 over Cathey and Yamanaka.

Applicants request reconsideration of the rejections.

Referring to independent claim 1, the Office relies upon the teachings of Fig. 4 and references 402, 404, 406 of Cathey as allegedly teaching the claimed plurality of color sensor arrays. Applicants submit that *references 402, 404, 406 refer to red, blue and green images* as set forth on page 6 of Cathey and fail to disclose the claimed *color sensor arrays*. Furthermore, Applicants have failed to uncover any teachings in Cathey of the positively claimed *image sensor which includes the plurality of color sensor arrays*. In addition, Applicants have failed to uncover any teachings in Cathey of the claimed *image sensor* including a plurality of *color sensor arrays arranged elevationally over one another* and configured to receive respective ones of the color components in combination with the limitations that the color sensor arrays overlap and are offset with respect to one another as positively claimed.

Furthermore, the Office at page 7 of the Action relies upon the teachings of Yamanaka as disclosing an optical device as now recited in claim 1. Applicants respectfully submit that the combination of limitations recited in claim 1 is not disclosed nor suggested by the prior art even if the teachings of Yamanaka are combined with the teachings of Cathey and further there is insufficient motivational rationale to combine the teachings of the prior art references in a proper prima facie 103 rejection.

In particular, Yamanaka at Figs. 4-8 teaches plural CCD devices 17, 18, 19 which are positioned separately at spaced distances from one another. Accordingly, modifying Cathey to accommodate the teachings of Yamanaka to disclose the claimed optical device fails to disclose the arrangement of claim 1 defining that the *image sensor includes a plurality of color sensor arrays arranged elevationally over one another and configured to receive respective ones of the color components*. Applicants respectfully submit that positively recited limitations are not disclosed nor suggested by the prior art references of Cathey and Yamanaka taken alone or in combination and the claim is allowable for at least this reason.

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Furthermore, Applicants respectfully submit there is insufficient motivation to combine the teachings of Yamanaka with the teachings of Cathey in a proper 103 rejection. In particular, to establish a *prima facie* case of obviousness, *there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.* The *prima facie* case is a procedural tool of patent examination, allocating the burdens of going forward as between examiner and application. *In re Spada*, 911 F.2d 705, 707 n.3, 16 USPQ2d 1655, 1657 n.3 (Fed. Cir. 1990). As discussed in *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785,788 (Fed. Cir. 1984), the examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a prima facie case of unpatentability including some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l v. Teleflex, Inc.*, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007). Applicants have failed to uncover any teaching in the art or other evidence or explanation that a combined arrangement of Yamanaka and Cathey is less likely to filter or distort light compared with the arrangement of Cathey and as provided as the rationale for combining the teachings. Applicants respectfully submit that the Office has failed to provide a rational underpinning in support of the statements of the Office set forth on page 7 of the Office Action as the reason for the combination of reference teachings. Applicants respectfully submit that a rejection over Yamanaka and Cathey is improper for at least this reason.

The claims which depend from independent claim 1 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Furthermore, referring to claim 7, the combination of teachings of Cathey and Yamanaka fails to teach or suggest the optical device is configured to output the color components in a direction which is the same as a direction of travel of received light. In particular, Fig. 4 of Yamanaka discloses plural different directions of light beams G1, G2, R/B to CCDs 17, 18, 19. Applicants respectfully submit claim 7 is allowable.

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Referring to independent claim 10, the Office relies upon references 402, 404, 406 of Cathey as allegedly disclosing the claimed *image sensing means including a plurality of color sensor arrays*. Applicants submit that *references 402, 404, 406 refer to red, blue and green images* as set forth on page 6 of Cathey and fail to disclose the claimed *color sensor arrays*. Furthermore, Applicants have failed to uncover any teachings in Cathey of the positively claimed *image sensor implemented as a single device and which includes the plurality of color sensor arrays*. Applicants have failed to uncover any teachings in Cathey of the claimed limitations of the *sensor arrays arranged elevationally over one another in a layer stack of the image sensing means which is implemented as a single device* in combination with the limitations that the color sensor arrays are arranged in an *offset relationship with respect to one another in the single device* as positively claimed. Applicants respectfully submit that positively recited limitations of the claims are not disclosed by the prior art and claim 10 is allowable for at least this reason.

The claims which depend from independent claim 10 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to independent claim 17, Cathey fails to teach the claimed limitations of *receiving light using an optical device, providing the light into a plurality of light components using the optical device, and outputting the light components using the optical device*. Furthermore, the arrangement of Yamanaka relied upon by the Office as teaching an optical device discloses the beams G1, G2, R/B in *different directions* as shown in Fig. 4 and which fails to teach or suggest the limitations of *receiving light travelling in a direction using an optical device in combination with, using the optical device, outputting the light components in the same direction of travel of the received light*. Accordingly, Applicants respectfully submit the combination of Cathey and Yamanaka taken alone or in combination fail to teach or suggest the combination of limitations recited in claim 17 and claim 17 is allowable for at least this reason.

The claims which depend from independent claim 17 are in condition for allowance for the reasons discussed above with respect to the independent claim as

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well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to independent claim 27, Applicants have failed to uncover any teachings in the prior art references taken alone or in combination of the positively claimed limitations that a sum of the image data values comprising intensity values for a single color component for a single pixel location are equal to an intensity value of the accessed image data for the single color component for the single pixel location as positively claimed. Applicants respectfully submit that positively recited limitations of the claims are not disclosed nor suggested by the prior art and claim 27 is allowable for at least this reason.

The claims which depend from independent claim 27 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.


Applicants respectfully submit that support for the claim amendments is provided at least at Figs. 2, 3, 3A, 4A and 4B and the associated teachings of the specification including paragraph 0042.

Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,
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